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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,110	01/16/2004	Marc Vincent Marini	0212.67006	7346

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GREER, BURNS & CRAIN
300 S WACKER DR
25TH FLOOR
CHICAGO, IL 60606

EXAMINER	
TALBOT, MICHAEL	

ART UNIT	PAPER NUMBER
3722	

DATE MAILED: 10/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/760,110	MARINI ET AL.	
	Examiner	Art Unit	
	Michael W. Talbot	3722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 August 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

4a) Of the above claim(s) *15-25* is/are withdrawn from consideration.

5)☒ Claim(s) *5-14* is/are allowed.

6)☒ Claim(s) *1-4* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *18 August 2006* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the amended description replacing paragraph beginning at page 12, line 1: "axial rib 211" described in Applicant's Amendment filed 18 August 2006 on page 4. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

In addition to Replacement Sheets containing the corrected drawing figure(s), applicant is required to submit a marked-up copy of each Replacement Sheet including annotations indicating the changes made to the previous version. The marked-up copy must be clearly labeled as "Annotated Sheets" and must be presented in the amendment or remarks section that explains the change(s) to the drawings. See 37 CFR 1.121(d)(1). Failure to timely submit the proposed drawing and marked-up copy will result in the abandonment of the application.

NOTE: The above drawing objection addresses deficiencies drawn to non-elected species described in claims 15-25 and Figures 11-22 that are not being evaluated on the merits within this Office Action.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Kramer et al. '548 shows in Figures 1-13 a tool-less blade clamping apparatus (41) for a reciprocating tool having a plunger (44) with at least one radial aperture (64) and a blade receiving slot (62) at its forward end for receiving a blade (42) having a shank portion (48) with a hole (82) and at least one outwardly extending shoulder (95). Kramer et al. '548 shows the shank configured to be inserted in the slot, the apparatus configured to be attached to the plunger and having an opening (central apertures of cam collar 56, sleeve 58 and collar housing 59) for receiving the blade shank therein. Kramer et al. '548 shows the apparatus having an unclamped position (Fig. 7) and a clamped position (Fig. 6) wherein the shank portion of the blade can be inserted into the opening when in the unclamped position and securely retained therein when in the clamped position. Kramer et al. '548 shows the apparatus being biased via spring (54) toward the clamped position (col. 5, line 54-56) and being operable to maintain its unclamped position via a releasable retaining mechanism (cam collar 56 and collar housing 59 rotated to unclamped/release position by a user/operator and held there) when placed in said unclamped position (Fig. 7). Kramer et al. '548 shows the apparatus being released when the at least one shoulder of the blade shank portion engages the apparatus (col. 5, lines 59-61) as the shank portion is inserted into the opening and slot a predetermined distance (col. 5, line 54 through col. 6, line 4) to place the apparatus in the clamped position and the apparatus engaging the at

least one shoulder and pushing the blade shank portion outwardly when moved in the unclamped position (col. 4, line 40-56).

With regards to claim 1, it has been held that a recitation that an element is "being operable to" perform a particular function is not a positive limitation and must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In the above reference, the apparatus is being operable to maintain its unclamped position when placed in said unclamped position by simply a user/operator holding the cam collar 56 and collar housing 59 in place.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kramer et al. '548 in view of Kakiuchi et al. '039. Kramer et al. '548 lacks a specific releasable retaining mechanism for holding said apparatus in its unclamped position when placed in said unclamped position. Kakiuchi et al. '039 shows in Figures 1-7 a tool-less blade clamping apparatus (10) for a reciprocating tool having a bayonet type connection (operating sleeve 11, spring 12, blade clamp slot 16a, lock control slot 16b, pin 22) for maintaining the apparatus in its unclamped position when pin (22) is located in lock control slot (16b) so as to limit rotation of operation sleeve (11) from moving to the clamped position (col. 8, line 50 through col. 9, line 14). It would have been obvious to one of ordinary skill in the art to modify the tool-less blade clamping apparatus of Kramer et al. '548 to include a releasable retaining mechanism for holding the

apparatus in an unclamped position as taught by Kakiuchi et al. '039 to simplify the operation by providing an automatic release mechanism, therefore eliminating the need for the user to hold the apparatus in an unclamped position prior to insertion of the tool-less blade because it has been held that broadly providing a mechanical or automatic means to replace manual activity without producing any new and unexpected results involves only routine skill in the art

Allowable Subject Matter

6. The following is a statement of reasons for the indication of allowable subject matter:

Claims 5-14 are allowed.

Claim 5 is the sole independent claim.

The prior art of record fails to anticipate or make obvious the claimed construction of a tool-less clamping apparatus for a reciprocating tool of the type which has a reciprocating plunger having (1) a hollow cylindrical inner sleeve configured to fit around the plunger having structure engaging the slot so that the inner sleeve is axially movable and non-rotatable relative to the plunger and having at least one outwardly extending protrusion and an inner ramp surface at its forward end that is axially oriented and inclined radially outwardly in the rearward direction, (2) a hollow cylindrical outer sleeve configured to fit around the inner sleeve and move circumferentially and axially relative thereto, said outer sleeve having a circumferentially extending slot with a transverse axially extending slot extension and at least one recess in the inside surface thereof forming a diagonal wall oriented toward the front of said outer sleeve from said end of said elongated slot that has said transverse extension to said opposite end for contacting said protrusion therein, said recess diagonal wall causing said outer sleeve to rotate relative to said inner sleeve responsive to forward axial movement of said inner sleeve when the blade is inserted into the slot, and (3) a pin secured to the plunger and engaging said slot of said outer sleeve and limiting rotational movement of said outer sleeve between the ends of

said circumferentially extending slot and axially between the ends of said transverse axially extending slot extension, solely or in combination, with the reciprocating plunger having at least one radially oriented aperture and a blade receiving slot, a blade having a shank portion with a hole and at least one outwardly extending shoulder located between the distal end of the shank and a main portion, a compression spring positioned to bias the inner sleeve forward, a detente positioned in the plunger rod aperture configured to engage the aperture in the blade, the apparatus having an unclamped position wherein the blade can be inserted and a clamped position wherein the blade can be securely retained therein, at least one spring biasing apparatus towards the clamping position, a releasable retaining mechanism for holding the apparatus in its unclamped position when placed in the unclamped position,

Kakiuchi et al. '039 is the closet art of record.

Kakiuchi et al. '039 lacks (1) a hollow cylindrical inner sleeve configured to fit around the plunger having structure engaging the slot so that the inner sleeve is axially movable and non-rotatable relative to the plunger and having at least one outwardly extending protrusion and an inner ramp surface at its forward end that is axially oriented and inclined radially outwardly in the rearward direction, (2) a hollow cylindrical outer sleeve configured to fit around the inner sleeve and move circumferentially and axially relative thereto, said outer sleeve having a circumferentially extending slot with a transverse axially extending slot extension and at least one recess in the inside surface thereof forming a diagonal wall oriented toward the front of said outer sleeve from said end of said elongated slot that has said transverse extension to said opposite end for contacting said protrusion therein, said recess diagonal wall causing said outer sleeve to rotate relative to said inner sleeve responsive to forward axial movement of said inner sleeve when the blade is inserted into the slot, and (3) a pin secured to the plunger and engaging said slot of said outer sleeve and limiting rotational movement of said outer sleeve

between the ends of said circumferentially extending slot and axially between the ends of said transverse axially extending slot extension.

Although it is well known to have a actuation sleeves and a bayonet pin, there is no teaching in the prior art of record that would, reasonably and absent impermissible hindsight, motivate one having ordinary skill in the art to so modify the teachings of Kakiuchi et al. '039 to include these features with there specific functions. Thus, for at least the foregoing reasons, the prior art of record neither anticipates nor rendered obvious the present invention as set forth in independent claim 5.

Response to Arguments

7. Applicant's arguments filed 18 August 2006 have been fully considered but they are not persuasive.

Examiner respectfully disagrees with Applicant's arguments that Kakiuchi et al. '039 does not teach (1) "an apparatus being operable to maintain its unclamped position when placed in said unclamped position", (2) "said apparatus being released when the at least one shoulder of the blade shank portion engages said apparatus as the shank portion is inserted into said opening in a slot a predetermined distance to thereby place said apparatus in said clamped position" (col. 5, lines 59-61), and (3) "said apparatus engaging the at least one shoulder and pushing the blade shank portion outwardly when said apparatus is moved to said unclamped position" (col. 4, line 40-56).

8. Applicant's arguments, see pages 14-16 and 18, filed 18 August 2006, with respect to claims 1-4 and references Marinkovich et al. '208, Wright '457, and Chen et al. '194 have been fully considered and are persuasive. Therefore, the rejection of claims 1-4 with respect to references Marinkovich et al. '208, Wright '457, and Chen et al. '194 has been withdrawn.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning the content of this communication from the examiner should be directed to Michael W. Talbot, whose telephone number is 571-272-4481. The examiner's office hours are typically 8:30am until 5:00pm, Monday through Friday. The examiner's supervisor, Mrs. Monica S. Carter, may be reached at 571-272-4475.

In order to reduce pendency and avoid potential delays, group 3720 is encouraging FAXing of responses to Office Actions directly into the Group at FAX number 571-273-8300. This practice may be used for filling papers not requiring a fee. It may also be used for filing papers, which require a fee, by applicants who authorize charges to a USPTO deposit account. Please identify Examiner Michael W. Talbot of Art Unit 3722 at the top of your cover sheet.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MWT
Examiner
27 September 2006

MONICA CARTER
SUPERVISORY PATENT EXAMINER

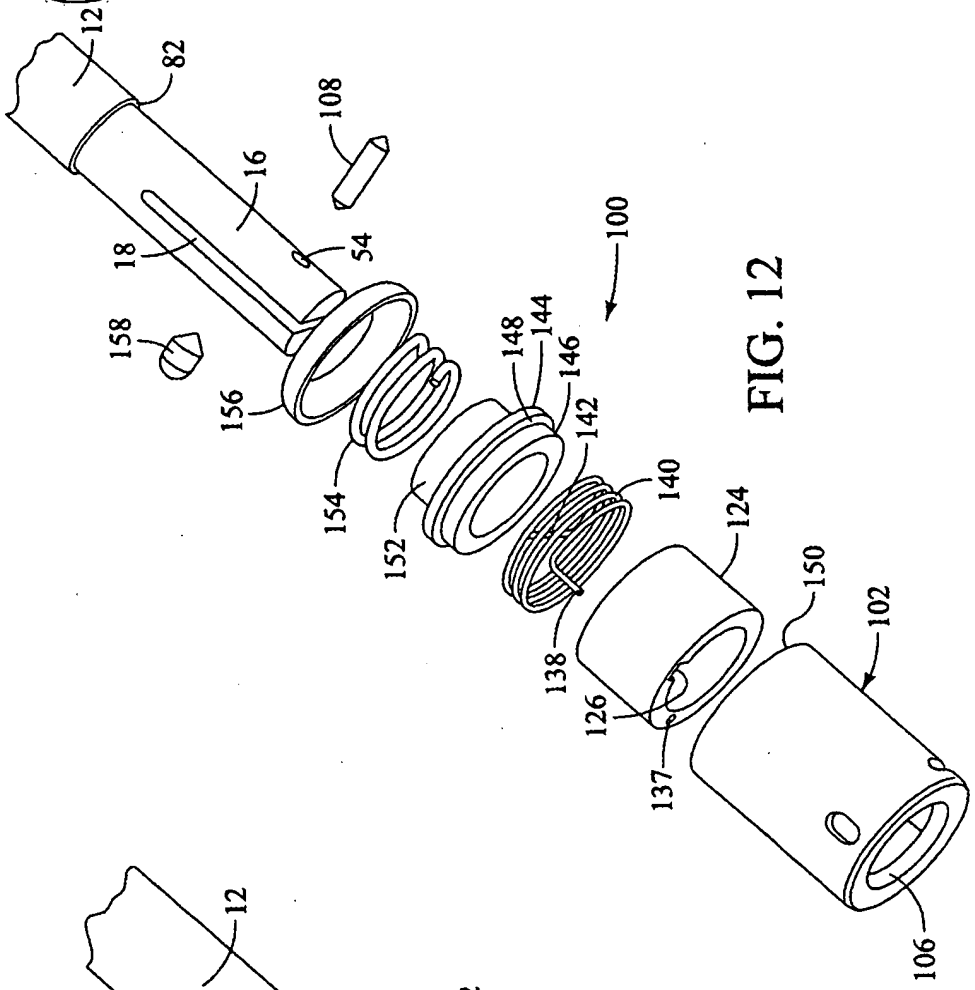

FIG. 12

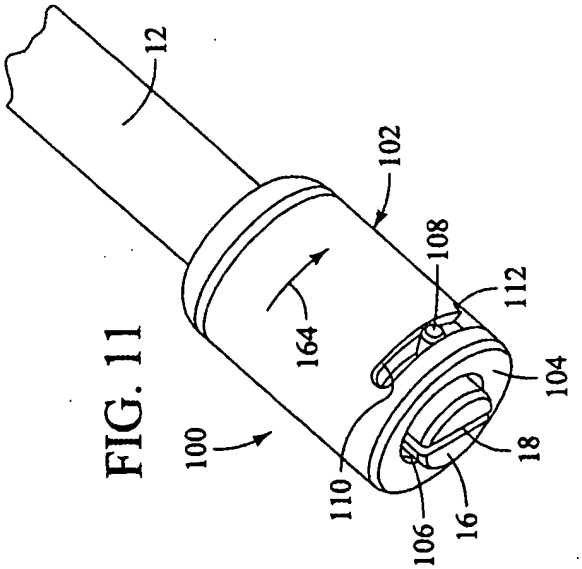

FIG. 11

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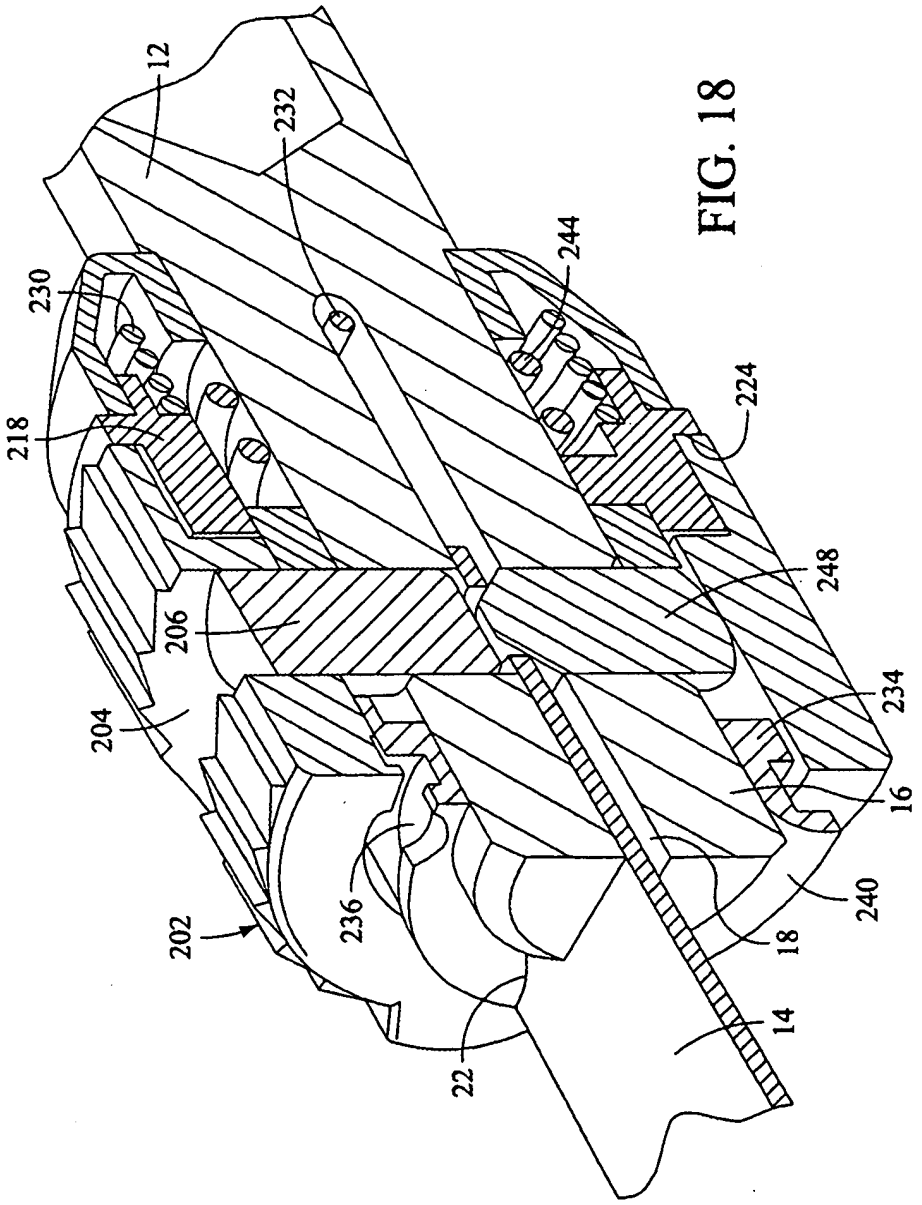

FIG. 18